

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:17-CR-419-BR
No. 5:20-CV-628-BR

CHRISTOPHER COBB,)
 Petitioner,)
)
 v.)
)
UNITED STATES OF AMERICA,)
 Respondent.)

ORDER

This matter is before the court on review of the docket in this 28 U.S.C. § 2255 proceeding. Shortly after the dismissal of his appeal from this court's criminal judgment, petitioner filed a § 2255 motion, alleging substantive and ineffective assistance of trial counsel claims arising out of his career offender designation. On the government's motion, the court dismissed all of petitioner's claims, except for the one alleging ineffective assistance of counsel based on counsel's failure to object to the career offender enhancement on the ground that Hobbs Act robbery is not a crime of violence. The court ordered the government to file an answer to the § 2255 motion and set the time for filing any summary judgment motion. The government filed an answer denying that petitioner is entitled to relief. It did not file a motion for summary judgment, and the time within which to do so has expired.

Accordingly, pursuant to 28 U.S.C. § 636(b) and Rule 8 of the Rules Governing Section 2255 Proceedings for the United States District Courts, this matter is REFERRED to a magistrate judge to hold an evidentiary hearing and file proposed findings of fact and recommendation for disposition. As petitioner has demonstrated he is financially unable to obtain adequate representation, (see CJA 23, DE # 8), counsel is APPOINTED to represent him for purposes of the evidentiary hearing, which shall be conducted as promptly as practicable, having regard for

the need of counsel for both parties to have adequate time for investigation and preparation.

Attention of all parties is directed to Federal Rule of Criminal Procedure 26.2.

This 12 April 2022.

A handwritten signature in green ink, reading "W. Earl Britt", is positioned above a horizontal line.

W. Earl Britt
Senior U.S. District Judge